

REMARKS

Interview Summary

Applicant thanks the examiner for a courteous and useful interview. In the interview Applicant's counsel and the examiner reached agreement on the differences between the structure of the prior art references of record and the structure claimed in the presently pending claims, to wit: the difference between a light housing and a luminous panel as claimed. Applicant's counsel and examiner did not reach agreement on whether or not the claim terms presently recited, when broadly interpreted under MPEP § 2111, would reach the housings, cases and luminaires recited in the prior art. It was generally agreed that if amended claims recited a distinction between the planar luminous panel of the present invention and the housings, luminaires, etc. of the prior art, that the prior art of record would be avoided, although further searching would need to be done.

In support of the interpretation of the recited "planar luminous panel" reaching the prior art of record, a dictionary definition of a panel as a flat component within a "frame", was cited.

Response to Arguments

The argument that the presently recited "planar luminous panel" is broad enough to cover the structures in the prior art currently of record is not persuasive. The argument is supported, it is argued, by a dictionary definition of a panel as including a frame. For example, Webster's New Third International Dictionary includes among the definitions of panel one referring to parts of doors or chairs as, "a thin, usually rectangular board set sunken in a frame." This does not mean that the definition of the word panel includes

frames. A frame is not a panel. To argue that a frame is what is meant when the word panel is used is similar to arguing that because the United States is a country between Canada and Mexico, that the territory of the United States includes Canada and Mexico.

More completely, Webster's New Third International Dictionary goes on to include in its definition of panel (in addition to juries, portions of a triptych, etc.) "a flat usually rectangular piece of construction material made usually in a standard size to perform part of a surface ..." and "any of the flat faces of a box carton or case whether separate or in finished form." The latter definition in particular points out the distinction between the panel being a single face and other faces, frames (or housings, cases, luminaires or the like) being separate and distinct from the panel, but related as part of the panel's environment.

Similarly, the Oxford English Dictionary includes within its definitions of the word panel "a distinct piece or portion of some surface, etc. usually contained in a frame or border." And, "a distinct compartment of a wainscot door, shutter, side of a carriage etc. consisting usually of a thinner piece of board or other material normally rectangular, set in the general framework." The OED definition is particularly useful since it makes clear that the panel is a "distinct" component from any frame or general framework in which it is found.

By stark contrast, a luminaire is defined in Webster's New Third International Dictionary as "a complete lighting unit including lamp, shade, reflector, fixture and other accessories."

Accordingly, the planar luminous panel and the edge of the recess in it that control the light dark boundary of the present invention, cannot properly be read upon a

luminaire (Biebl) a case (Mizutani) or housing. Accordingly, no prior art reference of record supports a rejection for anticipation.

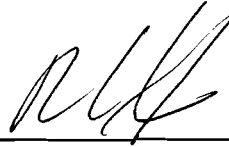
Moreover, the present position of the office action ignores the structural recitation of a formation of a predetermined luminous gradient by the relationship of the LED and the edge of the recess. There is no recitation of any such thing in any of the prior art of record. Accordingly, the prior art of record not reciting structurally the formation of the predetermined luminous gradient and the prior art of record not being operative to perform the function of the structure recited in the presently pending claims (KSR), and the prior art not teaching, suggesting, or motivating such (TSM), the prior art cannot support an obviousness rejection of the currently pending claims. Finally, of course, none of the prior art is operative to achieve the predetermined luminous gradient as claimed through the novel and non-obvious placement of the LEDs within a recess of a luminous panel as presently claimed. A reference or combination that is inoperative to execute the claimed invention cannot properly support a prima facie obviousness rejection.

Amendments and New Claims

Amended claim 1 recites the distinction argued above between a housing and a planar luminous panel in the preamble. This is sufficient to clarify the distinction between the two as the preamble can serve to inform interpretation of the claim limitations. It is unnecessary to recite a housing in the claim limitations. Claim 1 has also been amended to recite that the edge that defines the light dark boundary is an edge of the previously claimed recess (in the planar luminous panel). This amendment does

not narrow; it is a grammatical clarification tangential to the issues raised by the prior office action. Two new claims, 18 and 19, are submitted herewith further reciting the structural distinctions of the present invention over the prior art.

Respectfully submitted,



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